

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA
Plaintiff,

-vs-

Case No. 19-20498
Hon. Paul D. Borman

ALEX ALBERT CASTRO and
JASON KECHEGO.
Defendants

**DEFENDANTS' RESPONSE TO GOVERNMENT'S MOTION
TO EXCLUDE DEFENSE TOXICOLOGY EXPERT**

NOW COMES Defendant Jason Dale Kechego, by and through his attorney, Henry M. Scharg, and respectfully responds to the Government's Motion to Exclude Defense Toxicologist Expert, Dr. Robert Belloto. As grounds thereof, defendant states the following:

The defendant has complied with Fed. R. Crim. P. 12.2(b), by filing the Notice of Expert Witness in a timely manner, (June 26, 2022), providing the government with a summary of Dr. Belloto's testimony that will rely on retrograde extrapolation to estimate what Jason Kechego's blood alcohol

concentration was at the time of Christian Maire's death, by projecting backwards from the information in a chemical test conducted by C.O. Zachery Toney and S.A. Sean Nichol six hours later. Dr. Belloto will not be offering any additional expert testimony bearing on the defendant's mental condition, including intoxication.

There is no Federal Rule of Evidence 16(b)(1)(C) as cited by the government, but if the government was referring to the Federal Rules of Criminal Procedure, the defendant will provide the government with a copy of a prepared report explaining the scientific and mathematical process used in the retrograde extrapolation once it becomes available.

WHEREFORE, for the foregoing reasons, Defendants Jason Dale Kechego respectfully requests that this Court deny the Government's Motion to Exclude Testimony By Expert Dr. Robert Belloto, during this trial for the reasons stated in this submission.

Respectfully submitted:

/s/ Henry M. Scharg
Attorney for Jason Dale Kechego

Dated: July 1, 2022

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CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2022, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to all parties of record.

Respectfully Submitted:

/s/ Henry M. Scharg (P28804)
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